

**MENTAL HEALTH CODE (EXCERPT)**  
**Act 258 of 1974**

**TRANSFER AND RETURN**

**330.1536 Transfer of resident; notice; appeal.**

Sec. 536. (1) A resident in a center may be transferred to any other center, or to a hospital operated by the department, if the transfer would not be detrimental to the resident and the responsible community mental health services program approves the transfer.

(2) The resident and his or her nearest relative or guardian shall be notified at least 7 days prior to any transfer, except that a transfer may be effected earlier if necessitated by an emergency. In addition, the resident may designate 2 other persons to receive the notice. If the resident, his or her nearest relative, or guardian objects to the transfer, the department shall provide an opportunity to appeal the transfer.

(3) If a transfer is effected due to an emergency, the required notices shall be given as soon as possible, but not later than 24 hours after the transfer.

**History:** 1974, Act 258, Eff. Nov. 6, 1974;—Am. 1995, Act 290, Eff. Mar. 28, 1996.

**330.1537 Return of individual to center; conditions; protective custody; notice; appeal.**

Sec. 537. (1) An individual is subject to being returned to a center if both of the following are true:

(a) The individual was admitted to a center on an application executed by someone other than himself or herself or by judicial order.

(b) The individual has left the center without authorization, or has refused a lawful request to return to the center while on an authorized leave or other authorized absence from the center.

(2) The center may notify peace officers that an individual is subject to being returned to the center. Upon notification, a peace officer shall take the individual into protective custody and return him or her to the center unless contrary directions have been given by the center or the responsible community mental health services program.

(3) An opportunity for appeal shall be provided to any individual returned over his or her objection from any authorized leave in excess of 10 days, and the individual shall be notified of his or her right to appeal. In the case of a child less than 13 years of age, the appeal shall be made by his or her parent or guardian.

**History:** 1974, Act 258, Eff. Nov. 6, 1974;—Am. 1995, Act 290, Eff. Mar. 28, 1996.